

Submitted July 12, 2014
Approved as of
Date July 12, 2014

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS
MEETING NO. 06-2014
Saturday, June 7, 2014**

The City of Rockville Board of Appeals convened in regular session in the Mayor and Council Chambers at 9:00 a.m., Saturday June 7, 2014.

PRESENT

W. Thomas Curtis, Chair
Peter Mork
Steven Wilcox
Jeryl O. Gegan, Alternate

Staff Present: Payman Tehrani, Assistant City Attorney
Bobby Ray, Principal Planner
Nicole Walters, Planner II
Jeremy Hurlbutt, Planner III

I. PUBLIC HEARING

- a. **Variance VAR2014-00041, David Rhodes, 1715 Glastonberry Road** for a maximum variance of 9 feet from the minimum rear yard setback requirement of 25 feet to build a screened porch over an existing deck. The property is zoned R-90 (Single Unit Detached Dwelling - Restricted Residential).

Nicole Walters presented her staff report and answered questions from the Board.

Dave Rhodes, owner and applicant thanked Margaret Hall, Nicole Walters and other staff for a job well done, citing their professionalism and knowledge displayed in handling his application.

Mr. Mork moved, seconded by Mr. Wilcox, to approve VAR2014-00041, for the reasons and conditions stated in the staff report. The motion passed 3-0.

- b. **Variance VAR2014-00042, Great Wall Supermarket, 700 Hungerford Drive** for a variance of 24 feet from the rear setback requirement of 25 feet to enclose an existing loading area; and a variance 11 feet from the maximum height of 8 feet for a fence or wall to erect a 19 foot tall screening wall. The property is zoned MXCD (Mixed Use Corridor District).

Jeremy Hurlbutt presented his staff report and answered questions from the Board.

Weiren Chen, with UAH Design and architect for the applicant, answered questions regarding having adequate space in the loading dock for the trucks as well as planting trees at the north end of the property as a visual screen and sound barrier.

John Ingram of 666 Ivy League Lane, whose house is closest to the barrier wall and will be the most impacted by the proposed property modifications, directed his question to the owner of the Great Wall Supermarket. He inquired about the possibility of having the trash compactors enclosed to reduce noise imposed by the trash trucks, the strong odor that comes from the trash compactors, lengthening the wall to extend further, and keeping the wall height at 19 feet. He also answered questions from the Board.

Jonathan Crane of 680 Ivy League Lane, which is across the street from Mr. Ingram, expressed concern about the extreme level of noise coming from the trash compactor, with workers removing pallets from delivery trucks. He suggested making the wall higher than 19 feet and also planting more trees for an additional sound barrier. He also answered questions from the Board.

Mr. Chen addressed the issues of odor from the trash compactors, sound travel, noise from the delivery and trash trucks, the barrier wall and size of the loading dock enclosure.

Kevin Young with the Great Wall Supermarket stated that the owner proposed to have the loading dock fully enclosed and that the trucks would not exceed 70 feet long.

Mr. Mork moved, seconded by Mr. Wilcox, to accept VAR2014-00042 for the Great Wall Supermarket located at 700 Hungerford Drive for the enclosure of the proposed loading dock. The reasons that the Board of Appeals finds are those presented in the staff report. For the proposed wall, the Board finds that: 1) the accessory wall of 19 feet by 60 feet is not contrary to the public interest because a 19 foot wall would provide significantly more noise mitigation from parking lot noise; 2) that the request for a variance results from conditions peculiar to the property, namely that the adjacent buildings are taller than the applicant's buildings and that this property represents a boundary between residential and commercial use. A literal application of this chapter would result in practical difficulty because an 8 foot wall would not mitigate noise problems that were testified to, and that the granting of a variance is not inconsistent with the purposes of this chapter because a 19 foot wall is essential in mitigating noise, and the visual aesthetics will be maintained or preserved by additional conditions of this variance. Specifically the conditions of this variance are as follows: 1) the screening wall will be a maximum of 19 feet in height and extend to no longer than 60 feet. The applicant will be required to provide architectural treatment, landscaping or art to soften the massing and overall size of the structure per the design guidelines in the MXCD zone as approved by the approving authority, 2) no portion of the building that encroaches into the rear setback should exceed the current building height, 3) while loading and unloading, trucks must be contained within the loading dock, and 4) appropriate tree screening must be preserved along the back property line as determined by a City agency. The motion passed 3-0.

II. COMMISSION ITEMS

A. OLD BUSINESS

B. NEW BUSINESS

C. MINUTES – *Mr. Mork moved, seconded by Mr. Wilcox, to approve the minutes for meeting 04-2014 dated April 12, 2014. The motion passed 3-0.*

Mr. Mork moved, seconded by Mr. Wilcox, to approve the Executive Session minutes from March 8, 2014. The motion passed 3-0.

III. ADJOURNMENT

There being no further business to come before the Board, the Chair adjourned the meeting at 11:46 a.m.

Respectfully Submitted

Sandra Y. Driver, Commission Secretary